

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiffs,)	
)	4:06CR3027
v.)	
)	
JAIME LAMON ESQUIVEL,)	
RICARDO ESQUIVEL, JR., and)	MEMORANDUM AND ORDER
RUBEN NUNEZ,)	
)	
Defendants.)	

Plaintiff has moved to advance this matter for trial "in an abundance of caution" that trial begin within the time prescribed by the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* I shall deny the motion.

The Speedy Trial Act "clock" began in this case on March 6, 2006 with the court's denial of defendant Nunez' motion for miscellaneous relief (Filings 32, 39). Although ordinarily the "clock" would have begun with the filing of the indictment, filing 33, on February 24, at that time there was still pending Nunez' motion for miscellaneous relief. See, 18 U.S.C. § 3161(h)(1)(J).

The next event stopping the "clock" was the filing of defendant Jaimie Esquivel's motion to suppress, March 27, Filing 44. Although there were intervening motions and rulings on them, the motions to suppress were heard by me on May 10, 2006 and I ruled on them that day. See, Report, Recommendation and Order, Filing 57. The motions to suppress remained pending until the trial judge denied them on June 14, 2006. That order, filing 69, restarted the "clock." Again, there were intervening motions and

rulings on them, but since the motions to suppress were pending until June 14, those periods are irrelevant.

Between March 6 and March 27 a total of twenty days elapsed. Between June 14 and the filing of the extant motion, July 6, twenty-one days elapsed. Even if I had ruled on this motion the day it was filed, there remained twenty-nine days to the trial date, July 31, 2006. Under these circumstances, the motion will be denied.

IT THEREFORE HEREBY IS ORDERED,

The motion, filing 71, is denied.

DATED this 10th day of July, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge